

E-FILED on 7/23/08

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

XS HOLDING B.V., derivatively on behalf of
Xslent Technologies, LLC and XET Holding
Co., LLC, and separately on its own behalf,

Plaintiff,

v.

COOL EARTH SOLAR, INC.; ROB
LAMKIN; LAWRENCE ASUNCION;
SOLAR COMPONENTS LLC; NATHAN
SCHULHOF; M. JAMES BULLEN; MARTIN
N. LETTUNICH; STEFAN MATTAN;
XSLENT, LLC; and ATIRA
TECHNOLOGIES, LLC,

Defendants.

No. C-08-02282 RMW

ORDER DENYING MOTION TO DISMISS
AS MOOT

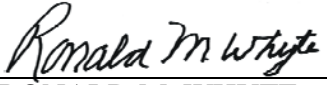
[Re Docket No. 22]

On May 22, 2008, defendants Martin Lettunich and Stefan Mattan filed a Motion to Dismiss this Action for Lack of Diversity Jurisdiction and Failure to Name Indispensable Parties, setting the motion for hearing on July 25, 2008. Docket No. 22. Defendants Xslent, LLC and Atira Technologies separately joined the motion. Docket Nos. 25, 30. None of the other defendants named in this action have made appearances.¹

¹ In the original complaint, Xslent Technologies, LLC and XET Holding Co., LLC were named as defendants. These defendants made appearances in this case, but were voluntarily dismissed by Notice of Voluntary Dismissal Without Prejudice by plaintiff on May 7, 2008. See Docket No. 17.

On July 2, 2008, plaintiff filed a notice of voluntary dismissal without prejudice of all four of these defendants. As none of the parties bringing or joining the Motion to Dismiss is a defendant in this case, the court hereby denies the motion as moot and terminates the motion.

DATED: 7/22/08



RONALD M. WHYTE
United States District Judge

United States District Court
For the Northern District of California

1 Notice of this document has been electronically sent to:

2 **Counsel for Plaintiff:**

3 Randall G. Block randall.block@sdma.com
4 Paul Jeffrey Riehle paul.riehle@sdma.com
Jia-Ming Shang jiaming.shang@sdma.com

5 **Counsel for Defendants:**

6 Christopher Ashworth ca@svlg.com
7 Kathryn E. Barrett keb@svlg.com
Jacqueline C deSouza jdesouza@dlawcorp.com
8 Christine H. Long christine.long@berliner.com

9
10 Counsel are responsible for distributing copies of this document to co-counsel that have not
11 registered for e-filing under the court's CM/ECF program.

12
13 **Dated:** 7/23/08

/s/ MAG
14 **Chambers of Judge Whyte**